

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JANE DOE,

Plaintiff,

vs.

BOARD OF REGENTS OF THE
UNIVERSITY OF NEBRASKA; and
individuals TAMIKO STRICKMAN and
JOHN ROE, individually and in their
official capacities; and OTHER
UNIDENTIFIED DEFENDANTS;

Defendants.

Case No. 4:21-cv-03049

**MOTION TO EXCLUDE EXPERT
TESTIMONY OF PLAINTIFF’S EXPERTS
ANDREW VERZILLI, LIN-CHI WANG AND
DR. FRANK OCHBERG, AND STRIKE
DR. OCHBERG**

COME NOW Defendants Board of Regents of the University of Nebraska (“BRUN”); and Tamiko Strickman (“Ms. Strickman”), collectively (“Defendants”), by and through the undersigned counsel, and move to exclude the anticipated expert testimony of Plaintiff’s designated experts Andrew Verzilli, Lin-Chi Wang and Dr. Frank Ochberg for the reason that the experts are not qualified to provide the opinion and the opinions fail to meet the standards for reliability and relevance Federal Rules of Evidence 702 & 703 and the test set forth in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) and *Kuhmo Tire Co. v. Carmichael*, 526 U.S. 137 (1999). Moreover, Defendants move to strike Dr. Frank Ochberg for the reason that Plaintiff’s designation is patently defective and failed to satisfy the basic disclosure requirements under FED. R. CIV. P. 26(a).

In support of this motion, Defendants rely upon the Index of Evidence, the Statement of Undisputed Material Facts, Brief and the evidence submitted contemporaneously herewith.

WHEREFORE, Defendants respectfully request the Court grant their Motion to exclude Plaintiff’s designated experts, Andrew Verzilli, Lin-Chi Wang and Dr. Franch Ochberg and their testimonies, and to strike Dr. Frank Ochberg.

Dated this 15th day of September, 2023.

BOARD OF REGENTS OF THE
UNIVERSITY OF NEBRASKA and
TAMIKO STRICKMAN, Defendants.

By: /s/ Lily Amare
Susan K. Sapp #19121
Lily Amare #25735
Cline Williams Wright
Johnson & Oldfather, L.L.P.
1900 U.S. Bank Building
233 South 13th Street
Lincoln, NE 68508
(402) 474-6900
ssapp@clnewilliams.com
lamare@clnewilliams.com

and

Bren H. Chambers, #23150
Deputy General Counsel
University of Nebraska
3835 Holdrege Street
Lincoln, NE 68583-0745
(402) 472-1201
bchambers@nebraska.edu

CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all parties who have entered an appearance in this case as well as electronically transmitted.

/s/ Lily Amare
Lily Amare